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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions in the Telecommunications Act)	
of 1996)	
)	
State of New York Department of)	NSD File No. L-00-161
Public Service Request for the)	
Release of a New Area Code for the)	
716 Numbering Plan Area)	
)	

REPLY COMMENTS OF WORLDCOM, INC.

In these Reply Comments, WorldCom, Inc. ("WorldCom") addresses two related claims made in initial Comments by state commissions: (1) because area code relief is a largely a local matter, state commissions are best placed to address all relief-related issues; (2) when state commissions adopt area code relief plans they stand in the shoes of this Commission and are not bound by industry-adopted guidelines. While both of these claims are to some extent true, neither can settle the question before the Commission.

The present controversy arose when the North American Numbering Plan Administrator ("NANPA") refused to release a new area code for relief of the 716 Numbering Plan Area ("NPA"), because the proposed relief plan violated industry guidelines by splitting 14 rate areas. The New York Public Service Commission ("NYPSC") then asked this Commission to direct the NANPA to release an area code, and the Commission in turn sought public comment.

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In initial Comments, several state Commissions argue that the Commission should not review area code relief decisions made at the state level, regardless of whether those decisions conform to industry guidelines.¹ This argument appears in two guises. First, it is suggested that state commissions are in the best position to weigh all policy considerations and reach the optimal decision.² Second, it is asserted that because state commissions are not bound by industry guidelines and possess delegated authority over area code relief, it is inappropriate or unlawful for the NANPA to refuse to act on state commission order.³ These arguments are inapposite. Area code relief decisions do not implicate solely local concerns. Nor do the state commissions possess delegated authority to order the NANPA act in violation of industry guidelines, except where the Commission has explicitly delegated such authority.

WorldCom does not disagree that state commissions are better-placed than this Commission with respect to many of the purely local issues that arise in area code relief planning. For example, a state commission may be in the best position to determine whether relief should take the form of a geographic split or an overlay. But area code relief may raise issues of national, or even international scope. When such issues arise, it is the duty of this Commission to weigh the competing policy objectives and determine the appropriate course. The relief plan proposed for the 716 NPA raises such issues.

The NYPSC's proposed split of the 716 NPA would require the immediate and needless duplication of 29 NXX codes. By splitting 14 rate areas the proposed relief plan would have a continuing, negative impact on the life of both NPAs. The proposed split would also reduce the potential scope of geographic portability for customers in the

¹ See, e.g., Comments of the Indiana Utility Regulatory Commission at 3.

² Comments of the Connecticut Department of Public Utility Control at 3.

affected rate areas. Each of these impacts implicates national issues within the purview of this Commission.

Area codes and NXX codes are scarce resources. Accelerated NXX code depletion means more rapid area code exhaust. More rapid area code exhaust hastens either exhaust of the numbering plan or the adoption of more comprehensive optimization measures. Congress has wisely placed responsibility for these matters in the hands of this Commission. This Commission must balance the national and international concerns raised by the exhaust of the North American Numbering Plan. Only this Commission can determine the course that national numbering optimization measures will follow. State commissions cannot be expected to place national and international concerns above state interests. Accordingly, the decision of a state commission to adopt an objectively wasteful area code relief plan must remain subject to the review of this Commission.

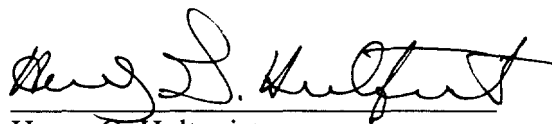
The fact that state commissions are not bound by industry guidelines is irrelevant to this controversy. Under the Commission's rules, the NANPA must, *inter alia*, "assign and administer NANP resources in an efficient, fair, unbiased, and non-discriminatory manner consistent with industry developed guidelines and Commission regulations."⁴ Thus, the NANPA is specifically required to adhere to industry guidelines. In delegating authority to state commissions to oversee area code relief, the Commission did not delegate authority to direct the NANPA to act in violation of Commission rules. Since the Commission's rules require that the NANPA adhere to industry guidelines, only the Commission can direct the NANPA to do otherwise.

³ Comments of the California Public Utilities Commission and the People of the State of California at 4.

⁴ 47 C.F.R. § 52.13(b).

Respectfully submitted,

WorldCom, Inc.

A handwritten signature in black ink, appearing to read "Henry G. Hultquist", written over a horizontal line.

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September 20, 2000

CERTIFICATE OF SERVICE

I, Vivian Lee, do hereby certify that copies of the foregoing Reply Comments of WorldCom, Inc. In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, State of New York Department of Public Service Request for the Release of a New Area Code for the 716 Numbering Plan Area were sent via first class mail, postage paid, to the following on this 19th day of September 2000.

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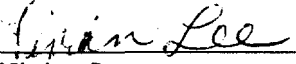
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